

**AMENDMENTS TO THE CLAIMS:**

**Please cancel claim 4 without prejudice or disclaimer.**

1. (Previously presented) A light-emitting device comprising:  
a light-emitting element;  
a case comprising a cup-like portion having a bottom on which said light-emitting element is mounted;  
a sealing member with which said cup-like portion is filled so that said light-emitting element is covered with said sealing member; and  
a low-refractive-index layer having a refractive index lower than that of said sealing member and formed between said sealing member and a surface of said case shaping a side surface of said cup-like portion,  
wherein said low-refractive-index layer comprises a gap between said sealing member and said surface of said case, and  
wherein said gap has an end on an emission observation surface side, said end being filled with a light-transmissible material.
- 2-4. (Canceled)
5. (Previously presented) A light-emitting device according to claim 1, wherein said surface of said case comprises a reflective surface.
6. (Previously presented) A light-emitting device according to claim 1, wherein said sealing member comprises at least one material selected from the group consisting of silicone resin, epoxy resin, urea resin, and glass.
7. (Canceled)

8. (Previously presented) A light-emitting device comprising:  
a light-emitting element;  
a case comprising a cup-like portion having a bottom on which said light-emitting element is mounted;  
a sealing member with which said cup-like portion is filled so that said light-emitting element is covered with said sealing member; and  
a low-refractive-index layer having a refractive index lower than that of said sealing member and formed between said sealing member and a surface of said case shaping a side surface of said cup-like portion,  
wherein said sealing member comprises one of grains and fine particles of a light-transmissible material, and  
wherein said one of said grains and fine particles are localized on the bottom side of said cup-like portion.
9. (Previously presented) A light-emitting device according to claim 8, wherein said one of said grains and fine particles comprises a linear expansion coefficient smaller than that of said sealing member.
10. (Previously presented) A light-emitting device according to claim 1, wherein said sealing member comprises a fluorescent substance.
- 11-13. (Canceled)
14. (Previously presented) A light-emitting device according to claim 1, wherein said light-emitting element comprises at least one Group III nitride compound semiconductor layer.
15. (Canceled)

16. (Previously presented) A light-emitting device according to claim 1, wherein an angle between said side surface of said cup-like portion and an optical axis is in a range from 20 to 60 degrees.
17. (Previously presented) A light-emitting device according to claim 1, wherein said lighting element comprises a flip chip light-emitting diode.
18. (Previously presented) A light-emitting device according to claim 1, wherein a difference between a refractive index of said sealing member and a refractive index of said low-refractive-index layer is at least 0.4.
19. (Previously presented) A light-emitting device according to claim 1, wherein a shrinkage of said sealing member is selectively suppressed in an area of said bottom of said cup-like portion.
20. (Previously presented) A light-emitting device according to claim 1, wherein said side-surface of said cup-like portion comprises one of aluminum and silver.
21. (Previously presented) A light-emitting device according to claim 1, further comprising:  
a lead frame which defines said bottom of said cup-like portion, said light-emitting element being formed on said lead frame.